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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/882,080 | 06/15/2001 | David W. Cuccia | PHA 23, 280A | 8804 |

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| EXAMINER |
|---|
| LO, LINUS H |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2614 | |

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/882,080 | CUCCIA, DAVID W. | |
| | Examiner | Art Unit | |
| | Linus H Lo | 2614 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *02 September 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 August 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

## DETAILED ACTION

1. It is noted that on last action , the sole pending claim was addressed as claim 1 , where it should have been addressed as claim 14. Nonetheless, the rejection was directed to the limitation as recited in the claim 14(Pre-Amended). Thus, it is clarified that claim 14 stands rejected , and the referenced claim number in the below art rejection has been rewritten as claim 14 in stead of claim 1.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sporer et al. '083. in view of Andrew et al. ' 403 (All of record).

Consider claim 14, Sporer et al. discloses a computer system and process for capture and playback of motion video compression using interframe and intraframe techniques. Sporer et al. discloses the following limitations:

a) the claimed memory for storing compressed video is met by the storage system 34 ( column 5, lines 29-47 and Fig. 1;

b) the claimed tag inserter, for inserting marker tags into each picture of the compressed video stream which reference locations in memory where each picture of

the video is stored is met by the description at column 9, lines 9-22 and column 8, lines45-52, where the field index is considered as the marker tags and the creating of such index for each image is immanently includes the inserter ;

c) the claimed decompressor for decompressing the compressed video is met by the description at column MPEG decoder ( column 6, liens 35-38, column 9, lines 9-14), where decompressor is inherently included to render the decompressed motion video for displaying; and

d) the claimed correlator for using the marker tags to correlate decompressed portions of the video to the location in memory of the corresponding compressed portions is met by the description at column 6, lines 35-38 , column 10, lines 35-49 and column 9, lines 9-22, in which the described steps in column 10 and 9 which performs the correlations function for locating and correlating the compressed picture with the corresponding video field with the decompressed motion video.

However, Sporer et al. does not explicitly teach that the video decoder for providing the instant replay of video that has been compressed ***and variable length coded.***

Nevertheless, Sporer et al. teaches the video decoder for providing instant replay for video as described by the description at column 5, lines 33-49, in which the random access of each intraframe compressed image encompasses the replaying of the video.

Sporer et al. also teaches that the compressed video signal is formatted according to MPEG-2 compression as described at column 6, lines 39-46. Furthermore,

the reference of Andrew et al. teaches that it is commonly-known in the art that the MPEG encoding format bit stream are encoded by variable length codes (column 12, lines 36-40) which has a shorter vectors and uses fewer bits.

Therefore, it is submitted that it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the Sporer et al. with the video that has been compressed and variable length coded in according with the MPEG compression.

***Response to Arguments***

4. Applicant's arguments filed on September 9 2002 have been fully considered but they are not persuasive.

***Applicant Arguments***

Applicant argues that it is evident that the index of Sporer et al. is not inserting marker tags into each picture of the compressed video stream. And it is further evident that the index of Sporer et al. does not "reference locations in memory where each picture of the video is stored".

***Examiner Response***

Examiner disagrees. It is note that at column 9, lines 9-26, teaches that a field index (marker tags) is created in step 66. During the import process , the index 70 with entries 72 being is created. The index with the entries 72 having the bytes that are offset into the

bitstream (video stream) of an MPEG header which precedes the compressed picture. Furthermore, it is noted that column 8, lines 1-5 discloses that the import process begins with step 58 that converts the compressed video into a form that can be accessed at any I-frame by inserting appropriate MPEG headers , if the compressed data file contains only video data. Since the passage from column 8 describes that a functioning step that is performed to insert a header to video stream, and passage from column 9 additionally demonstrates that field index (marker tag) is offset into such headers. Thus , the above passage has disclosed the applicants argued limitation of inserting marker tags into each picture of the compressed video stream.

The reference of Sporer as described at column 9, lines 9-26 teaches that a field index (marker tags) is created in step 66 , for each MPEG file during the import process which creates an index 70 . At the same time, the passage at column 5, lines 36-41 which teaches that "the compressed motion video data is processed to allow random access to each intraframe compressed image, where the storage system typically stores data in data files accessible by other application programs through the file system of an operation system." Nonetheless, the passage from column 6, lines 35-39 discloses that a field index is generated which maps each temporal field in the decompressed motion to the offset in the compressed bitstream of the data used to decode the field. Since the excerpt from column 5 demonstrates the storage system (memory) typically stores data in data files whereas the compressed motion video data is encompassed by such data files, and the excerpt from column 6 further demonstrated the index field is utilized to map each temporal field of decompressed motion to the offset in the compressed bitstream data, whereas the mapping function immanently includes

location references for retrieve the stored data from the memory . Thus the above disclosure as a whole which has demonstrated the disclosure of reference locations in memory where each picture of the video is stored, and the applicant's arguments are not persuasive.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Copy of Papers Originally Filed***

6. The papers filed on ***September 9, 2002*** (certificate of mailing dated ***September 4, 2002)*** have not been made part of the permanent records of the United States Patent and Trademark Office (Office) for this application (37 CFR 1.52(a)) because of damage from the United States

Postal Service irradiation process. The above-identified papers, however, were not so damaged as to preclude the USPTO from making a legible copy of such papers. Therefore, the Office has made a copy of these papers, substituted them for the originals in the file, and stamped that copy:

COPY OF PAPERS

ORIGINALLY FILED

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If applicant wants to review the accuracy of the Office's copy of such papers, applicant may either inspect the application (37 CFR 1.14(d)) or may request a copy of the Office's records of such papers (*i.e.*, a copy of the copy made by the Office) from the Office of Public Records for the fee specified in 37 CFR 1.19(b)(4). Please do **not** call the Technology Center's Customer Service Center to inquiry about the completeness or accuracy of Office's copy of the above-identified papers, as the Technology Center's Customer Service Center will **not** be able to provide this service.

If applicant does not consider the Office's copy of such papers to be accurate, applicant must provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the originally submitted documents. If applicant provides such a copy of the above-identified papers and statement within **THREE MONTHS** of the mail date of

this Office action, the Office will add the original mailroom date and use the copy provided by applicant as the permanent Office record of the above-identified papers in place of the copy made by the Office. Otherwise, the Office's copy will be used as the permanent Office record of the above-identified papers (*i.e.*, the Office will use the copy of the above-identified papers made by the Office for examination and all other purposes). This three-month period is not extendable.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linus H. Lo whose telephone number is (703) 305-4039.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (703) 305-4795.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

lhl

November 21, 2002

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600